

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DEC 21 2010

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

UNITED STATES OF AMERICA

§

V.

§

§

CAUSE NO. A-10-CR-297-LY

§

DAVID DIEHL

§

ORDER

Before the Court are the following motions: (1) Defendant's Motion for Discovery and Inspection (Doc. #22); (2) Defendant's Motion for Notice of Intent to Use Evidence under 12(b)(4) (Doc. #23); (3) Defendant's Motion in Limine (Doc. #24); (4) Defendant's Motion to Suppress Search and Seizure of Phone and Computer Hard Drives (Doc. #32); (5) Defendant's Motion to Suppress Statements (Doc. #33); (6) Defendant's Motion for Bill of Particulars (Doc. #44); (7) Defendant's Motion to Dismiss (Doc. #45); (8) Defendant's First Amended Motion for Bill of Particulars (Doc. #57); (9) Defendant's First Amended Motion to Dismiss (Doc. #58); (10) Defendant's Motion in Limine (Doc. #59); (11) Defendant's Motion in Limine (Doc. #60); and (12) United States' Motions to Protect the Privacy of the Juvenile Victims and Witnesses (Doc. #61). A hearing was held on all motions on December 21, 2010, at which the Court ruled on the motions now memorialized below.

IT IS ORDERED that Defendant's Motion for Discovery and Inspection (Doc. #22) is **GRANTED**.

IT IS FURTHER ORDERED that Defendant's Motion for Notice of Intent to Use Evidence under 12(b)(4) (Doc. #23) is **GRANTED**.

IT IS FURTHER ORDERED that Defendant's Motion in Limine (Doc. #24) is **GRANTED**.

IT IS FURTHER ORDERED that Defendant's Motion to Suppress Search and Seizure of Phone and Computer Hard Drives (Doc. #32) is **GRANTED AS A MOTION IN LIMINE**: the Government shall not introduce any evidence obtained as a result of the execution of the subject warrants in its case-in-chief. The motion is **DENIED WITHOUT PREJUDICE** as a motion to suppress.

IT IS FURTHER ORDERED that Defendant's Motion to Suppress Statements (Doc. #33) is **DENIED** for the reasons stated on the record at the December 21, 2010 hearing.

IT IS FURTHER ORDERED that Defendant's Motion for Bill of Particulars (Doc. #44) is **DISMISSED**. Government's Original Response (Doc. #46) shall be considered with Defendant's First Amended Motion for Bill of Particulars (Doc. #57).

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss (Doc. #45) is **DISMISSED**. Government's Original Response (Doc. #50) shall be considered with Defendant's First Amended Motion to Dismiss (Doc. #58).

IT IS FURTHER ORDERED that Defendant's First Amended Motion for Bill of Particulars (Doc. #57) is **DENIED** for the reasons stated on the record at the December 21, 2010 hearing .

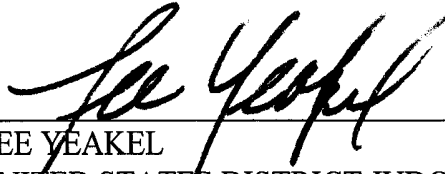
IT IS FURTHER ORDERED that Defendant's First Amended Motion to Dismiss (Doc. #58) is **DENIED** for the reasons stated on the record at the December 21, 2010 hearing.

IT IS FURTHER ORDERED that Defendant's Motion in Limine (Doc. #59) is **DENIED**.

IT IS FURTHER ORDERED that Defendant's Motion in Limine (Doc. #60) is **DENIED**.

IT IS FINALLY ORDERED that United States' Motions to Protect the Privacy of the Juvenile Victims and Witnesses (Doc. #61) are **GRANTED**.

SIGNED this 21st day of December, 2010.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE